

**IN THE CLAIMS**

1. **(currently amended)** A congestion controller for an Ethernet switch at a reception side of a PAUSE frame, comprising

a plurality of transmission queues which have different priorities,

receiving means for receiving the PAUSE frame including a parameter field in which a timer value of PAUSE time is set,

restriction means for restricting transmission traffic from the transmission queues by the received PAUSE frame, wherein

the restriction means restricts (i) the transmission traffic from a first transmission queue of a lowest priority by the PAUSE frame received at a time other than the PAUSE time, and restricts (ii) the transmission traffic from the first transmission queue ~~of a higher priority of the lowest priority~~ and from, in addition to this, a second transmission queue having a higher priority than the first transmission queue of the lowest priority, by the PAUSE frame received during the PAUSE time.

2. **(currently amended)** The congestion controller according to claim 1, further comprising

a shaping means for shaping the transmission traffic from the transmission queues by the received PAUSE frame, wherein

the shaping means restricts the transmission traffic from the first transmission queue of the lowest priority by increasing the shaping degree.

3. (previously presented) The congestion controller according to Claim 2 in which the restriction of the transmission traffic is performed by providing a gap therein.

4. **(currently amended)** The congestion controller ~~at a transmission side of the~~  
~~PAUSE frame~~ according to claim 1, for the Ethernet switch, as a first Ethernet switch,  
further cooperating with a second congestion controller for a second Ethernet switch, facing  
to the first Ethernet switch, at a transmission side of the second Ethernet switch, transmitting  
said PAUSE frame to the first Ethernet switch, the second congestion controller comprising  
a transmission queue connected with a sending port to a link,  
an identifying means for identifying an input port which causes congestion by  
counting packets resident in the transmission queue, corresponding to the input port, and  
a transmission means for transmitting the PAUSE frame to said reception side of said  
first Ethernet switch, which is transmission means are connected to the identified input port.

5. (canceled)

6. (previously presented) The congestion controller according to claim 4, wherein  
the identifying means further identifies a traffic based on attributes of the packets, and  
the transmission means notifies the reception side of the identified traffic by the PAUSE  
frame transmitted thereto.